

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**EL PINTO FOODS, LLC,
A New Mexico Limited Liability Company**

Plaintiff,

12cv1293 KBM-RHS

vs.

**OCEAN SPRAY CRANBERRIES, INC.
A Foreign Corporation,**

Defendant.

**ORDER DENYING PLAINTIFF EL PINTO'S
AMENDED REQUEST FOR LETTERS ROGATORY**

THIS MATTER comes before the Court on Plaintiff's Amended Request for Letters Rogatory (Doc. 70). The Court has considered the Motion, together with Defendant's Response (Doc. 75) as well as Plaintiff's Reply (Doc. 86). The Court has the understanding that Letters Rogatory are a request from this court to another court in Canada asking for the performance of a certain act. Letters Rogatory are used in the absence of a treaty or some form of executive agreement between the involved countries. Letters Rogatory are not a printed form published by the Clerk of the Court. They are original documents drafted by the parties requesting the issuance of discovery requests. Defendant's Exhibit 3 to its Response (Doc. 75) seems to be a helpful checklist of matters to be addressed and considered and comports with the Court's understanding. The Court is not certain it understands Plaintiff's legal logic in arguing that Canadian rules are irrelevant because when the Buffalo Bills play in Toronto the teams do not use Canadian football rules. The Court finds Plaintiff's request for the issuance of Letters Rogatory to be lacking in substance and legal authority and therefore should be again denied. The proposed Letters Rogatory also impose costs upon the United States District Court for the

District of New Mexico (Doc. 70-2 at 4) and in no circumstances will the Court bear the costs for a litigating party.

IT IS THEREFORE ORDERED that Plaintiff El Pinto's Amended Request for Letters Rogatory are denied.

Robert Hayes Scott
ROBERT HAYES SCOTT
U.S. MAGISTRATE JUDGE